IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

RSA No.6 of 2007

Decided on : March 2, 2007

Khem Raj **....Appellant.**

VERSUS

Janak Raj **....Respondent.**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?

For the Appellant : Mr. Vikas Bhardwaj, Advocate.

For the Respondent : Mr. Ajay Sharma, Advocate.

Surjit Singh, Judge (Oral)

Heard and gone through the record.

2. Appellant-plaintiff filed a suit for declaration that he had the right to pass through a particular strip of land, claiming that he has acquired such right by easement of necessity. Respondent-defendant denied the claim of the plaintiff.

3. The trial Court came to the conclusion that an alternative passage is available to the appellant-plaintiff. Consequently, the suit was dismissed. Appeal filed in the Court of District Judge by the appellant also stands dismissed. There is, thus, a concurrent finding by the two Courts below that there exists an alternative path. In fact, the judgments of the two Courts below suggest that the plaintiff himself admitted, while in the witness box, that there was an alternate path.

Whether the reporters of the local papers may be allowed to see the Judgment?

4. In view of the abovestated position, there is no merit in the appeal. No substantial question of law has been raised. Hence, the appeal is dismissed.

March 2, 2007(sd) **(Surjit Singh), J.**